



DEPARTMENT OF THE ARMY  
U.S. ARMY MANEUVER SUPPORT CENTER AND FORT LEONARD WOOD  
320 MANSCEN LOOP, STE 316  
FORT LEONARD WOOD, MISSOURI 65473-8929

REPLY TO  
ATTENTION OF:

17 SEP 2004

ATZT-MWR-A

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy #58-04, Physical Separation of Parties  
Involved in Domestic Violence

1. PURPOSE. This policy memorandum implements a mandatory 72-hour minimum period of physical separation for military personnel and/or their civilian spouses involved in domestic violence incidents, on and off the Fort Leonard Wood Installation.

2. POLICY/PROCEDURES

a. The provisions of this policy apply to all military personnel assigned to Fort Leonard Wood and their spouses, whether living on or off the Fort Leonard Wood Installation.

b. Violence against a spouse is contrary to the values and standards of the Department of Defense. The issue of domestic violence affects the community as a whole, and, therefore, a coordinated community response is required. This policy letter requiring a minimum mandatory 72-hour separation period for spouses involved in domestic disputes will help eradicate further domestic conflicts and enhance the safety of military families; thereby, improving the quality of life in the Fort Leonard Wood military community.

c. IAW AR 608-18, dated 20 October 2003, spouse abuse is considered as an assault, a battery, a threat to injure or to kill, rape, or any other unlawful act of force or violence, or emotional maltreatment inflicted by one person in a marriage against their spouse.

d. Physical spouse abuse is the use of physical force to intimidate, control, or force a spouse to do something against his or her will.

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e. Sexual abuse is the forcing of the spouse by the offender to engage in any sexual activity through the use of physical violence, intimidation, the explicit or implicit threat of future violence, or abuse if the offender's advances are refused.

f. Psychological violence is one or more of the following behaviors: Explicit or implicit threats of violence, extreme controlling types of behavior, extreme jealousy, mental degradation and isolating behavior.

g. Property violence is damage that usually occurs as a means to scare or intimidate.

h. When an active duty member is the alleged offender in a domestic disturbance involving either a physical assault or a verbal dispute in which the police (military or civilian) must intervene, and there is a reasonable belief that one or more persons will be in danger of harm if the participants are not separated, commanders may require the military member to be placed in the barracks, or with a command-assigned individual, for a minimum of 72 hours. This will be implemented after consultation, and concurrence between Law Enforcement Command (LEC), Social Work Service (SWS), the Army Community Service Victim Advocate Program (VAP), and the soldier's immediate commander. If LEC, SWS, and VAP are all in agreement to recommend the 72-hour separation and the soldier's immediate commander does not follow that recommendation, it will be passed on to the next level of command. If the recommendation is not followed at this level, then the recommendation will continue on through the Brigade Commander. If the Brigade Commander does not follow the recommendation, then it will be passed to the Garrison Command.

i. IAW AR 608-18 commanders may issue a military no-contact order delineating the conditions of the 72-hour separation. Commanders are authorized to extend or modify the military no-contact order to ensure the safety and security of all persons. Military no-contact orders will be directed to soldiers following consultation with SWS and VAP. The commanding officer who issued the military no-contact order will provide a written copy within 24-hours of issuance to the person with whom the member is ordered not to have contact. The actual military no-contact order should be given to the subject of the order with a

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copy provided to the Chief, SWS for the FAP case file. In special circumstances, with the advice of LEC, SWS, and the commanders may order lesser periods of separation.

j. If the commander places the alleged offender with a command-assigned individual, that individual must be an officer or a noncommissioned officer (NCO), at least one grade higher than the alleged offender, who does not reside in close proximity to the victim.

k. In dual military cases, commanders will require that the active duty victim remain in the couple's residence and that the active duty alleged offender be placed in the barracks or with a command-assigned individual.

l. In dual military cases involving multiple alleged offender and/or victims, commanders will make the determination of which party is placed in the barracks based on who is identified by the Military Police (MPs) as the primary aggressor. The primary aggressor IAW AR 608-18 is "the person who maintains power and control in an abusive incident regardless of which party started the physical or verbal action, the party who continued the dispute, or the party who "provoked" the event." In deciding which party to order into the barracks, commanders should always consider the interests and welfare of the couple's minor children, if any.

m. Commanders will ensure that SWS is notified immediately of all 72-hour no contact orders. SWS will serve as the Reporting Point of Contact (RPOC) for the installation. They can be reached at 596-1507(duty hours). Evenings, weekends, and holidays, they can be reached at 596-0456 (MTF Emergency Room) or 596-0446 (RPOC).

n. Based on all of the circumstances, input from victim services, and the assessment of the SWS caseworker, commanders will not allow the parties to re-unite if either party's safety from physical harm, or the child(ren)'s safety from physical harm is at risk.

o. If circumstances warrant, or upon recommendation by the MPs, commanders will remove weapons from the home of military personnel involved in domestic disputes and secure them in the unit's arms room.

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p. When appropriate, commanders may revoke pass or leave privileges of military personnel subject to the provisions of this policy, and IAW AR 608-18.

q. In situations where a soldier must retrieve basic necessities from his/her home, the commander will ensure the victim is notified and that a unit escort is assigned to accompany the soldier to the home.

r. The escort must be an officer or NCO, at least one grade higher than the alleged offender. The escort will remain in the presence of the alleged service member/offender at all times.

s. After the soldier has gathered his/her basic necessities, the escort will be responsible for the soldier's return to the barracks or home of the command-assigned individual.

t. The commander will ensure the alleged offender understands that this is a one-time visit during the separation period.

u. Where the alleged offender is the civilian spouse, commanders will keep the military member's safety as a high priority. Commanders will use whatever safety measures they deem appropriate, to include seeking a temporary bar from the installation for the alleged offender-civilian spouse if necessary.

v. Local civilian law enforcement shall deal with incidents occurring off post. Pursuant to a memorandum of agreement (MOA), local law enforcement shall be responsible for notifying the Provost Marshal Office (PMO) of any domestic violence reports requiring local law enforcement intervention or an alleged offender's apprehension and release. The PMO will then be responsible for notifying the commander, who will implement the 72-hour minimum period of physical separation.

w. When an emergency temporary order or a full order is in place, commanders will counsel alleged offenders as to the conditions outlined in the order and will make every effort to ensure alleged offenders adhere to said order.

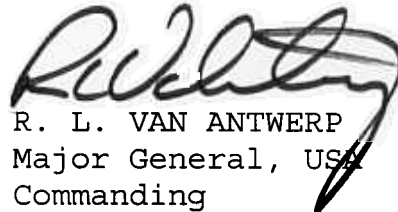
2. EXCLUSION. None

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3. PROPONENT. The proponent for this command policy is the  
Army Community Service, Family Advocacy Program Manager,  
(573) 596-0212.

4. SUPERSESSSION. None



R. L. VAN ANTWERP  
Major General, USA  
Commanding

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Commanders

Brigades, Battalions, Companies,  
Tenant Units, and Detachments